



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

ACTION MEMORANDUM – RV2

DATE: AUG - 2 2017

SUBJECT: Action Memorandum for an Emergency Removal Action at the Deferiet Paper Mill Site in Deferiet, New York

FROM: Joel Petty, On-Scene Coordinator
Removal Action Branch

THRU: Joseph D. Rotola, Chief
Removal Action Branch

TO: John Prince, Acting Director
Emergency and Remedial Response Division

Site ID: A26F

I. PURPOSE

The purpose of this Action Memorandum is to document the decision to initiate an emergency response action (RV2) described herein for the Deferiet Paper Mill Site ("Site") located in Deferiet, Jefferson County, New York. On July 11, 2017, the On-Scene Coordinator ("OSC") requested and was granted verbal authorization pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") to initiate an emergency response action at this Site. Authorization was granted by the Acting Director of the Emergency and Remedial Response Division ("ERRD"). An earlier removal action (RV1), was initiated on March 2, 2016 and was completed on August 30, 2016. The total project ceiling authorized for the RV1 action was \$150,000, all of which was for mitigation contracting. A project ceiling increase of \$282,000, of which \$200,000 was for mitigation contracting was authorized for the RV2 action, described herein. The new total project ceiling authorized for the Site is now \$432,000, of which \$350,000 is for mitigation contracting.

510550



II. SITE INFORMATION

A. Site Description

Site Name:	Deferiet Paper Mill Site
Superfund Site ID ("SSID"):	A26F
NRC Case Number:	Not Applicable
CERCLIS Number:	NYD002229269
Site Location:	400 Anderson Avenue, Deferiet Village, New York 13628
LAT/LONG:	44.03911, -75.68075
Potentially Responsible Party ("PRP"):	Deferiet Development LLC
NPL Status:	Not Listed
Removal Start Date:	July 13, 2017

B. Site Background

1. Removal Site Evaluation ("RSE")

The U.S. Environmental Protection Agency ("EPA") was conducting an assessment on asbestos throughout the Site buildings in June 2017, and discovered containers of unknown origin and content. From June 19 through 21, 2017, EPA conducted an assessment of the abandoned drums, totes, tanks, and other containers that were abandoned on the property. Approximately two tanks, 16 totes, 58 drums, as well as various containers 5-gallons or less in size, were found in various states of deterioration. None of the containers were in shippable condition and some were dented and/or bulging. Some of the containers were devoid of tops or were missing bungs leaving them exposed to the elements. One of the totes was on its side and its contents were leaking out onto the floor. Hazard categorization indicated that incompatibles are collocated, which could mix if the contents leaked. The roof throughout the building is damaged leaving the containers exposed to the weather elements. The nearest residential properties are located directly across the street to the north and west. The facility is not secure. Fencing around the facility has been damaged in certain areas allowing trespassers access to the property. The buildings that the containers are in are not closed off and are easily accessed. Graffiti on the walls throughout the buildings indicate that trespassing has occurred. Hazard categorization of all accessible containers was conducted and select containers were sampled based upon the results of the hazard categorization. Analytical results of the samples indicated the drums and other containers contain CERCLA designated hazardous substances. Based on these results, the Site was determined to be eligible for an emergency removal action.

2. Physical location and site characteristics

The Site is located at 400 Anderson Avenue in Deferiet Village, New York, 13628. The coordinates for the Site are latitude 44.03918056, longitude - 75.68388889. Residential properties border the Site to the north, northwest, west, and southwest. Over 200 people live in the neighborhood bordering the Site. The Site is an abandoned paper mill and the buildings are in various states of deterioration.

3. Release or threatened release into the environment of a hazardous substance, pollutant, or contaminant

Sampling data collected from the containers on-site confirmed the presence of CERCLA hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C. 9601 (14). The Hazardous substances identified and their designation under CERCLA are listed in the table below.

HAZARDOUS SUBSTANCE	STATUTORY SOURCE FOR DESIGNATION AS A HAZARDOUS SUBSTANCE UNDER CERCLA
Arsenic	2,3
Benzene	1,2,3,4
Bromomethane	2,3,4
Cyanide	2,3
Dibutyl Phthalate	1,2,3,4
Dieldrin	1,2,4
Ethylbenzene	1,2,3
Lead	2,3
Naphthalene	1,2,3,4
Phenol	1,2,3,4
Toluene	1,2,3,4
Xylene	1,3,4
Unlisted Hazardous Waste with the Characteristic of Corrosivity	4
Unlisted Hazardous Waste with the Characteristic of Reactivity	4

1. Clean Water Act, Section 311(b)(4)
2. Clean Water Act, Section 307(a)
3. 112 of the Clean Air Act
4. RCRA Section 3001

III. THREATS TO PUBLIC HEALTH WELFARE OR THE ENVIRONMENT

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or, Contaminates

CERCLA hazardous substances were identified in abandoned containers, some of which were observed to be leaking, damaged and compromised, resulting in a release or threat of release of hazardous substances. Due to the condition of these containers a release to the environment has already occurred and will continue due to weather conditions and further deterioration of the containers. A neighborhood with a population greater than 200 people borders the Site. The Black River runs through the middle of the Site. The facility is not secure. Fencing around the facility has been damaged in certain areas allowing trespassers access to the property. The buildings that the containers are in are not closed off and are easily accessed. Graffiti on the walls throughout the buildings indicate that trespassing has occurred. A release from these containers could impact the residential population and nearby water bodies by direct contact.

B. Check Applicable Factors (From 40 CFT 300.415) Which Were Considered in Determining the Appropriateness of a Removal Action

- ☒ Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances, or pollutants, or contaminants [300.415(b)(2)(i)].
- ☐ Actual or potential contamination of drinking water supplies or sensitive ecosystems [300.415(b)(2)(ii)].
- ☒ Hazardous substances, or pollutants, or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release [300.415(b)(2)(iii)].
- ☐ High levels of hazardous substances, or pollutants, or contaminants in soils largely at or near the surface that may migrate [300.415(b)(2)(iv)].
- ☒ Weather conditions that may cause hazardous substances, or pollutants, to migrate or be released [300.415(b)(2)(v)].
- ☒ Threat of fire or explosion [300.415(b)(2)(vi)].
- ☒ The lack of availability of other appropriate federal or State response mechanism to respond to the release [300.415(b)(2)(vii)].
- ☐ Other situations or factors that may pose threats to the public health or welfare of the United States or the environment [300.415(b)(2)(viii)].

IV. SELECTED REMOVAL ACTION AND ESTIMATED COSTS

A. Situation and Removal Activities to Date

1. Current situation

From June 19-21, 2017, EPA performed hazard categorization and sampling of the containers located on the Site. The analytical results of these samples indicated the drums contain CERCLA designated hazardous substances.

2. Removal activities, to date

On July 11, 2017, a verbal authorization was granted by the Acting ERRD Director to conduct an emergency response action at the Site. EPA activated the Emergency and Rapid Response Services ("ERRS") contractor and met with them on-site on July 13, 2017. ERRS has begun procurement of equipment needed for the emergency response action.

3. Enforcement

Deferiet Development LLC has been identified as a PRP.

B. Planned Removal Actions

1. Proposed action description

ERRS began mobilization on July 13, 2017. The area where hazardous substances will be stored will be secured to prevent trespassing, tampering and potential exposure. ERRS will perform characterization and stabilization of the hazardous substances in the various containers. Once wastes have been fully characterized, they will be bulked or segregated, where appropriate, and shipped off-site for treatment, recycling, and/or disposal. The off-site disposal of hazardous waste and/or substances will comply with the Off-Site Rule, 40 CFR 300.440.

2. Contributions to remedial performance

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the Site. However, at this time a long-term remedial action is not anticipated.

3. Applicable or Relevant and Appropriate Requirements ("ARARs")

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARAR's is practicable, the OSC may consider appropriate factors including the urgency of the situation and the scope of the removal action to be conducted.

4. Project schedule

The estimated project schedule is three months in duration.

C. Estimated Costs*

Contractor Costs (ERRS)	\$200,000
Other Extramural Costs (RST)	\$ 35,000
Contingency Costs	\$ 47,000
Total RV2 Project Ceiling	\$282,000
Total RV1 Project Ceiling	\$150,000
Total Removal Project Ceiling	\$432,000

*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

V. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

A delay in action or no action at the Site would increase the actual or potential threats to the public health and/or the environment.

VI. OUTSTANDING POLICY ISSUES

None

VII. APPROVALS

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and is not inconsistent with the National Contingency Plan ("NCP"). This decision is based on the administrative record for the Site.

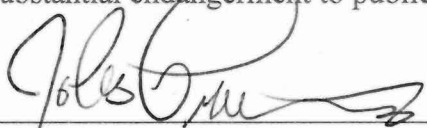
Conditions at the Site meet the NCP Section 300.415(b) criteria for a removal action. This document confirms the verbal authorization provided on July 11, 2017, for the removal action at the Deferiet Paper Mill Site. The total project ceiling authorized for the RV1 action was \$150,000, all of which was for mitigation contracting. A project ceiling increase of \$282,000, of

which \$200,000 was for mitigation contracting was authorized for the RV2 action described herein. The new total project ceiling authorized for the Site is now \$432,000, of which \$350,000 is for mitigation contracting.

This project was funded from the Regional Removal Allowance.

**VIII. ENDANGERMENT DETERMINATION UNDER CERCLA SECTION 106:
HAZARDOUS SUBSTANCES**

Actual or threatened releases of hazardous substances from the Site may present an imminent and substantial endangerment to public health, or welfare, or the environment.



John Prince, Acting Director
Emergency and Remedial Response Division

8/2/17

Date

After Approval:

Cc: A. Carpenter, ADD
J. Rotola, ERRD-RAB
M. Pane, ERRD-RSS
B. Grealish, ERRD-RAB
K. Glenn, ERRD-RAB
M. Mears, PAD
K. Giacobbe, OPM-GCMB
P. McKechnie, OIG
T. Benton, RST



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AUG - 2 2017

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THRU: Joseph D. Rotola, Chief
Removal Action Branch

TO: John Prince, Acting Director
Emergency and Remedial Response Division

Site ID: A26F

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CONCURRENCES		Name: Deferiet Paper Mill		Date: 7/20/2017		Action Memo #0465			
Symbol	ERRD-RAB	ERRD-RAB	ERRD-RAB	ERRD-ADD					
Surname	Petty <i>JP</i>	Glenn <i>GG</i>	Rotola <i>JR</i>	Carpenter					
Date	7/24/17	7/24/17	7/24/17	Aug 8, 2017					

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ROUTING AND TRANSMITTAL SLIP				July 19, 2017	
TO: (Name, office symbol, room number, building, Agency/Post)				Initials	Date
1.	Petty - ERRD/RAB	<i>for</i>		<i>RA</i>	7/24/17
2.	Glenn-ERRD/RAB			<i>RA</i>	7/24/17
3.	Rotola-ERRD/RAB			<i>R</i>	7/24/17
4.	Carpenter-ERRD/ADD			<i>ABC</i>	8-2-17
5.	Prince- ERRD/AD			<i>JCB</i>	8/2/17
6.					
7.					

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordinate	Justify	

REMARKS

Action Memorandum for an Emergency Removal Action

DEFERIET PAPER MILL SITE

Deferiet, New York

SEMS-RM
Doc 10
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DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No. Bldg. EDISON
JOSEPH D. ROTOLA, CHIEF, ERRD-RAB	Phone No 6658

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